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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Manuel Bandres Oto, et al..

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No. CV-16-01027-PHX-DJH

Plaintiffs,

)

Plaintiffs' Motion Requesting Proposed Schedule Re: ATCA's Motion to Dismiss

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Airline Training Center Arizona, Inc.

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Defendant

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The Oto, et al. Plaintiffs by their attorneys Kreindler & Kreindler LLP hereby move for a scheduling order setting the times for Plaintiffs to respond to Airline Training Center Arizona, Inc.'s (ATCA) June 17, 2016, Motion to Dismiss and Motion for Summary Judgment in order to allow Plaintiffs an opportunity to file a motion seeking discovery relating to the issues raised by ATCA's motion.

1 Counsel for the parties have conferred and, although counsel for ATCA does not
2 agree that discovery is warranted, it does not object to the schedule proposed by Plaintiffs
3 in the event discovery is allowed. Accordingly, subject to the approval of the Court,
4 Plaintiffs submit the following proposed schedule:

- 5 1. Plaintiffs shall have until July 8, 2016, to file a motion with the Court seeking an
6 opportunity to conduct discovery relating to the scope of the issues raised by
7 ATCA's motion to dismiss. Plaintiffs' "discovery" motion may request a hearing
8 with the Court. The parties shall meet and confer on the discovery schedule and
9 endeavor to present an agreed schedule to the Court on or before such hearing,
10 assuming a hearing is scheduled by the Court. If no agreement on a discovery
11 schedule can be reached Plaintiffs shall propose a schedule.
- 12 2. ATCA shall have one week following the filing of Plaintiffs' "discovery" motion
13 within which to file its opposition to the motion and Plaintiff shall have one week
14 to file its reply thereto.
- 15 3. If the Court grants Plaintiffs' request for discovery such discovery shall proceed in
16 accordance with the terms of the Court's order.
- 17 4. If the Court grants Plaintiffs' discovery motion, upon the completion of such
18 discovery as the Court may allow, Plaintiffs' shall have 45 days within which to
19 file their opposition to ATCA's motion to dismiss and ATCA shall have 30 days
20 within which to file its reply thereto.
- 21 5. If the Court does not allow Plaintiffs the discovery they seek, Plaintiffs shall have
22 30 days from the date of the denial of their discovery motion within which to file

their opposition to the ATCA's motion to dismiss and ATCA shall have two weeks to reply.

6. No further action by either party shall be required until such time as the Court rules on the Plaintiffs' "discovery" motion.
7. The parties' agreement regarding scheduling shall not be deemed an admission of any kind relating to the merits of either party's position on the issues in the case and is without prejudice to either party's right to seek such further relief from the Court as it deems necessary.

RESPECTFULLY SUBMITTED this 20th day of June, 2016.

KREINDLER & KREINDLER LLP

By /s Brian J. Alexander
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